

# NOPD CONSENT DECREE MONITOR NEW ORLEANS, LOUISIANA



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December 13, 2018

File Number: 37PA-191555

Sunni J. LeBeouf, Esq., City Attorney  
City of New Orleans  
1300 Perdido Street, Suite 5E03  
New Orleans, LA 70112

Dear City Attorney LeBeouf:

Judge Morgan asked us to respond to the four specific requests set forth in your letter to her dated December 6, 2018.

With respect to your objection to televising the January proceedings, while we continue to believe televising the event would have been a more effective way to share NOPD's successes and ongoing work with the public, Judge Morgan understands the City, not the Court, controls the resources necessary to televise an event such as this in its entirety. Accordingly, we will go forward at Loyola New Orleans School of Law as planned on Friday, January 25, 2019, but will not be broadcasting on public access television. The media, however, including television, will be invited to attend, and, as always, David and I will make ourselves available to them afterward to answer questions. Judge Morgan takes seriously the Court's obligation to keep the citizens of New Orleans informed about the progress of Consent Decree compliance and believes this is an appropriate time and venue.

Additionally, the Monitoring Team will schedule its next community meeting for the week of February 18<sup>th</sup> to provide the public an opportunity to comment and/or ask questions about our January 25<sup>th</sup> presentation. We will provide you with the time and location of the event once it is finalized.

With respect to your remaining requests, your request that we copy you on all correspondence with City personnel, including the NOPD, is inconsistent with the terms the City negotiated and incorporated into the Consent Decree, which provide the Monitoring Team "full and direct access to all City and NOPD staff, employees, critical incident crime scenes, and facilities . . . ." (P 471) This provision ensures that all employees can engage in frank and candid discussions with the Monitoring Team without fear of reprisals from the City. This approach has proven to be of great value to the Monitoring Team, and has allowed our team to work closely and effectively with

December 13, 2018

Page | 2

NOPD to accomplish the reforms required under the Consent Decree. Changing that now would be inconsistent with the Consent Decree and would not be approved by Judge Morgan because it would risk creating a chilling effect on NOPD and City personnel. While we have been willing to include you on much correspondence to date as an accommodation to help you get up to speed concerning NOPD's implementation of the Consent Decree, and remain willing to continue that practice, we cannot agree to be bound to do so on all correspondence.

Similarly, we also cannot agree to your request to be notified of all meetings "with the Court and/or with the monitors." Such an approach would be inconsistent with Consent Decree paragraph 470, which provides "[t]o facilitate its work, the Monitor may conduct on-site visits and assessments *without prior notice to the City and NOPD.*" While we conduct unannounced visits only rarely, the continued availability of this tool is important to ensure the Monitoring Team is able to assess the substance of NOPD's performance without concern that compliance has been staged for our benefit.

Lastly, we agree with your final request that the work of the Monitoring Team "be focused exclusively on accomplishing the work of the Consent Decree/constitutional policing matters . . . ." Since the outset of the Consent Decree, the Monitoring Team has been vigilant in ensuring our activities stay within the four corners of the Consent Decree. As you know, paragraph 445 of the Consent Decree clearly states "[t]he Monitor shall not, and is not intended to, replace or assume the role and duties of the City and NOPD, including the Superintendent." We keep this directive in mind every day and vigilantly adhere to our role as providing oversight, public accountability, and technical assistance as outlined in the Consent Decree.

As I believe the City knows by now, the Monitoring Team remains impressed by the progress the NOPD has made to date. It is a testament to the hard work of the men and women of the Department and to the commitment, discipline, and forward thinking of the Department's current leadership. Nevertheless, the basis for your statement that the Department is "at 93% compliance" is unclear. As you know, substantial work remains to be done in, among other areas, Bias-Free Policing, Community Policing, Performance Evaluations, and Stops, Searches, and Arrests before the NOPD will achieve compliance with the Consent Decree's requirements. These areas go to the very heart of the reforms called for under the Consent Decree, and are essential to safeguarding the constitutional rights of New Orleans' residents. While we cannot say, based on our monitoring, that the Department will be in full and effective compliance in those areas in the "very near future," we certainly agree the Department's overall progress to date has been admirable—especially considering the Department's slow start. We have made our views in this regard known at every recent public hearing, and will do so again in January.

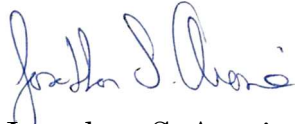
We are very happy the City shares our commitment to ensuring the NOPD achieves full and effective compliance with the Consent Decree. We look forward to continuing to work closely with the Department and the City to finish the job we all started.

December 13, 2018

Page | 3

Should you wish to discuss your concerns further, feel free to give me a call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jonathan S. Aronie".

**Jonathan S. Aronie**

**For SHEPPARD MULLIN RICHTER & HAMPTON LLP\***

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